

14230 U.S. PTO
032604

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------|-------------------------------------------------|----------|-------------------|----------|
| DOCKET NUMBER | ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | | PRIOR APPLICATION | |
| | CLASS | SUBCLASS | EXAMINER | ART UNIT |
| 11998.5USC8 | | | B. SZMAL | 3736 |

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV372670476US
Date of Deposit: March 20, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: Teresa Anderson

17548 U.S. PTO
10/809962



032604

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/880,576, filed on June 13, 2001 entitled CARDIAC DISEASE TREATMENT AND DEVICE by the following inventor(s):

| | | | |
|-------------------------|---------------------|--------------------------|--------------------------|
| Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| Post Office Address | Post Office Address | City | State & Zip Code/Country |
| Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| Post Office Address | Post Office Address | City | State & Zip Code/Country |
| Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| Post Office Address | Post Office Address | City | State & Zip Code/Country |

- ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 15 pages of specification, 17 claims, 1 page of abstract, 7 sheets of drawings, and 4 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

2. ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

| NUMBER FILED | NUMBER EXTRA | | RATE | FEE |
|-----------------------------------|--------------|---|--------------------------|-----------------|
| TOTAL CLAIMS: 8 -20 | 0 | x | \$9.00 | 0.00 |
| INDEPENDENT CLAIMS 1 -3 | 0 | x | \$43.00 | 0.00 |
| | | | BASIC FILING FEE: | \$385.00 |
| | | | TOTAL FILING FEE: | \$385.00 |
| | | | | |

- ☒ Small entity status is claimed pursuant to 37 CFR 1.27.
4. ☒ Payment of fees:
☒ Attached is a check in the amount of \$385.00
☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☐ Amend the specification by inserting before the first line of the first page the paragraph:
7. ☒ A set of formal drawings (7 sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to Acorn Cardiovascular, Inc. located at St. Paul, Minnesota (Recorded in the U.S. Patent and Trademark Office at Reel/Frame 9622/0650).
10. ☒ The Power of Attorney in the prior application is to:
- Merchant & Gould P.C.
Minneapolis, MN 55402-2215
11. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☐ Fee for excess claims is attached.

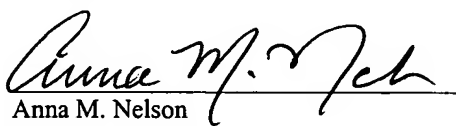
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☒ Also Enclosed: Information Disclosure Statement, Form 1449
16. ☒ Address all future communications to the **Attention of Anna M. Nelson** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300



Date: March 26, 2004


Anna M. Nelson
Reg. No. 48,935
ANelson:PLSdb